

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.4012 of 2007

Shri Devendra Sahadeo
Gajarmal ..Petitioner

vs.

1. Sou.Kalpana Devendra Gajarmal ..Respondent

Shri P.D.Dalvi for petitioner.
Shri U.B.Nighot for respondent.

**CORAM: S.C.DHARMADHIKARI J.
27th NOVEMBER, 2007**

P.C.

1. Shri Dalvi appearing in support of this petition states that the order passed by this Court on 4th July, 2007 has been complied with. Shri Nighot appearing for the respondent wife disputes this position and brings to my notice the fact that the order passed by the Joint Civil Judge, Sr.Dn., Kalyan dated 8th June, 2006 directs that maintenance be paid from 16th January, 2006. However, the quantum also is not paid from the date of the order. Neither there is compliance with the direction to pay maintenance from the date of application. Shri Dalvi states that all arrears as per the order passed by the Trial Court or at least by this Court would be complied with, if not already

complied with, within a period of four weeks from today. If compliance is made, the petitioner is at liberty to apply for modification of the interim order and Trial Court to consider that application uninfluenced by any observations made earlier and in the light of the order of the Family Court on application under section 125 so also the order passed by this Court.

2. The Trial Court to consider the application for modification/variation only after it satisfies itself that due compliance is made of the earlier order passed in favour of the respondent/wife. Petition is disposed of.

(S.C.DHARMADHIKARI J.)